

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA)
)
v.) CASE NO. 3:08-CR-00046
) REEVES/SHIRLEY
ALFREDO BARBA)

MEMORANDUM AND ORDER

This matter is before the court on the defendant's motions for sentence reduction pursuant to Amendment 782 to the United States Sentencing Guidelines [R. 255, 265, 274]. The government has responded deferring to the court's discretion whether and to what extent to reduce defendant's sentence [R. 276]. The United States Probation Office has provided the court with a memorandum regarding retroactivity of Amendment 782. The defendant is presently scheduled for release on May 19, 2023.

The defendant was convicted of conspiracy to distribute and possess with intent to distribute at least 1,000 kilograms of marijuana, in violation of 21 U.S.C. §§ 846, 841(a)(1) and 841(b)(1)(A). At sentencing, defendant's base offense level was 34, with a criminal history category IV, resulting in an advisory guideline range of 210 - 262 months. Defendant was sentenced on July 19, 2010, to 210 months imprisonment.

Amendment 782 reduces the guideline range applicable to defendant. Pursuant to Amendment 782, defendant's base offense level is 32, with a criminal history category IV, resulting in an amended guideline range of 168 - 210 months. Giving defendant a comparable adjustment, and taking into account the policy statements set forth at USSG § 1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), it is hereby ORDERED that the defendant's motions [R. 255, 265, 274] are GRANTED, and the defendant's sentence is **reduced to 168 months.**

If this sentence is less than the amount of time the defendant has already served, the sentence is reduced to a "time served" sentence. *See* USSG § 1B1.10(b)(2)(C).

Except as provided above, all provisions of the judgment dated July 19, 2010, shall remain in effect.

IT IS SO ORDERED.



Pamela J. Gevers
UNITED STATES DISTRICT JUDGE